UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,408	03/01/2004	Shelly D. Farnham	003797.00764	4967

28319 7590 03/07/2007	EXAMINER
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1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051	3714	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| Office Action Summary | Application No.
10/788,408 | Applicant(s)
FARNHAM ET AL. |
| | Examiner
Adetokunbo O. Torimiro | Art Unit
3714 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _01/25/2007_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-38_ is/are pending in the application.

    4a) Of the above claim(s) _15_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-14 and 16-38_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   The amendment received on 01/25/2007 has been considered.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
> sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-6, 8-15, 18-22, and 24-38 are rejected under 35 U.S.C. 102(b) as being

anticipated by Sparks II (US 6,352,479).

Re claim 1: Sparks II discloses a method for matching users over a network in an online/

WWW gaming environment, the method comprising steps of determining a play style

parameter of a requesting user, and connecting the requesting user to an online game

based at least in part on the determined play style parameter <u>wherein the connecting is</u>

<u>based at least in part on a collaborative filtering method</u> (see **Figs. 6A and 6B; col.5,**

lines 5-25 and col.6, lines 23-33). **According to the original disclosure by the**

applicant, collaborative filtering methods employ and/or produce rating e.g. an

evaluation of an individual. It is apparent to examiner that user's skill level is an

evaluation of the user, which is in agreement with the collaborative filtering method

as disclosed in the disclosure.

Re claim 2: Sparks II discloses the method of matching users, wherein the determining step (106, 108) comprises the steps of receiving a profile of the requesting user, and identifying the play style parameter of the requesting user in the profile. **(see Fig. 5A; col.5, lines 5-8).**

Re claim 3: Sparks II discloses the method of matching users, wherein the connecting steps includes the step (306) of determining whether the determined play style parameter matches a play style parameter requirement for the online game. **(see Fig. 11A; col.6, lines 21-31).**

Re claim 4: Sparks II discloses the method of matching users, further comprising the steps (114) of providing a list of online games with a play style parameter requirement that matches the determined play style parameter of the requesting user, and receiving a selection signal (116) representative of the online game from the list of online games **(see Figs. 5A and 5B; col.5, lines 26-39).**

Re claim 5: Sparks II discloses the method of matching users, wherein the determining step comprises the steps of providing a list of play style parameters, and receiving a selection signal representative of the play style parameter from the list of play style parameters **(see col.3, lines 56-63; col.8, lines 24-31).**

Re claim 6: Sparks II discloses the method of matching users, further comprising the steps of receiving a request to initiate a matchmaking service for the requesting user, receiving identification data of the requesting user, and retrieving a profile of the requesting user (see Fig. 12; col.8, lines 39-51).

Re claim 8: Sparks II discloses the method of matching users, further comprising the steps (202, 204, 208) of determining whether a profile / *user name* exists for the requesting user, and loading the existing profile of the requesting user (see Fig.6A; col.5, lines 56-67; col.6, lines 1-3).

Re claim 9: Sparks II discloses the method of matching users, further comprising the steps (112) of determining whether to create a new profile / *new preference* of the requesting user, and creating the new profile of the requesting user (see Fig.5A; col.5, lines 20-25).

Re claim 10: Sparks II discloses the method further, comprising the steps (112) of receiving at least one parameter for the requesting user, and storing the at least one parameter in the new profile (see Fig.5A; col.5, lines 22-25).

Re claim 11: Sparks II discloses the method wherein the at least one parameter includes the play style parameter of the requesting user (see col.5, lines 22-23).

Re claim 12: Sparks II discloses the method of matching users, further comprising the steps of receiving a request to host the online game, receiving at least one parameter requirement for the online /*WWW* game, the at least one parameter requirement includes a play style parameter requirement, and determining whether the play style parameter of the requesting user matches the at least one parameter requirement for the online game.(see **Figs. 6A and 6B; col.5, lines 5-25**).

Re claim 13: Sparks II discloses the method of matching users, further comprising steps (210) of determining whether a profile of the requesting user is to be modified, and modifying the profile of the requesting user (see **Fig.6A; col.6, lines 3-17**).

Re claim 14: Sparks II discloses the method further, wherein the step of determining whether the profile of the requesting user is to be modified includes a step of receiving data from a collaborative filtering/ *correlation* process (see **Fig.5A; col.6, lines 12-16**).

Re claim 18: Sparks II discloses a matchmaking system for matching users over a network in an online gaming environment, the matchmaking system comprising a matchmaking server (12) configured to connect a requesting user to an online game based at least in part upon a matching parameter of the requesting user and on a collaborative filtering method (see **col.6, lines 23-33**); a database configured to store a profile of the requesting user, the profile including the matching parameter of the requesting user,

wherein the profile is configured to include a play style parameter of the requesting user

(see Fig.4; col.4, lines 18-25; col.5, lines 26-39).

Re claim 19: Sparks II discloses the matchmaking system wherein the matching·

parameter is the play style parameter of the requesting user **(see col.6, lines 18-26).**

Re claim 20: Sparks II discloses the matchmaking system, further comprising a computer

(20) configured to process data based upon a collaborative filtering/ *correlation* process.

(see Fig. 2; col.6, lines 23-31).

Re claim 21: Sparks II discloses the matching system wherein the matchmaking server

(12) includes the computer (20) **(see Fig. 2; col.3, lines 14-18).**

Re claim 22: Sparks discloses the matching system wherein the computer (20) is further

configured to modify the profile of the requesting user responsive to processed data **(see**

Fig. 2; col.6, lines 1-17).

Re claim 24: Sparks II discloses the matching system wherein the matching parameter

comprises one of technical capability, general skill level, personal attribute, and play

style **(see col.8, lines 41-56).**

Re claim 25: Sparks II discloses the matching system wherein the play style parameter of the requesting user is associated with a particular online game **(see Fig. 11A and 11B; col.6, lines 18-33).**

Re claim 26: Sparks II discloses a method for matching a first player with a second player over a network in an online gaming environment, the method comprising steps of accessing a database maintaining data associated with a collaborative filtering method, applying the collaborative filtering method, and connecting the first and second players to an online game based at least in part on the collaborative filtering method **(see Fig. 11A and 11B; col.4, lines 18-25; col.6, lines 23-33).**

Re claim 27: Sparks II discloses the method for matching, wherein the step (318) of applying includes the step of determining a likelihood of whether the second player is a good match for the first player **(see Fig. 11B; col.7, lines 21-24).**

Re claim 28: Sparks II discloses the method for matching, wherein the step (318) of applying further includes the step of determining a likelihood of whether the first player is a good match for the second player **(see Fig. 11B; col.7, lines 21-24).**

Re claim 29: Sparks II discloses the method further including the step (302) of determining a parameter of the first player **(see Fig. 11A; col.5, lines 5-14).**

Re claim 30: Sparks II discloses the method, wherein the parameter is a play style parameter (see Fig. 11A; col.5, lines 5-14).

Re claim 31: Sparks II discloses the method, wherein the step of accessing the database (34) includes the step of identifying a profile associated with the first player (see Fig. 4; col.4, lines 23-25).

Re claim 32: Sparks II discloses the method, wherein the step (214) of applying the collaborative filtering / *correlation* method is based in part upon the parameter of the first player, wherein the parameter of the first player is maintained within the profile associated with the first player (see Fig. 6B; col.6, lines 13-17).

Re claim 33: Sparks II discloses the method, wherein the step of applying the collaborative filtering method / *matching operation* is based at least in part upon a parameter of the second player / *other users* (see col.6, lines 23-31).

Re claim 34: Sparks II discloses the method, wherein the step of applying the collaborative filtering method is based at least in part upon data representative of a previous response of the second player / *user* (see col.6, lines 58-60).

Re claim 35: Sparks II discloses the method, wherein the step of applying the collaborative filtering method is based at least in part upon data representative of a previous response of a third player / *user* **(see col.6, lines 58-60).**

Re claim 36: Sparks II discloses the method, wherein the previous response is an evaluation of the second player **(see Fig. 6A; col.7, lines 21-28).**

Re claim 37: Sparks II discloses the method, wherein the previous response is an evaluation of the online /*WWW* game **(see Fig. 6A; col.5, lines 17-25).**

Re claim 38: Sparks II discloses the method wherein the collaborative filtering method is based upon an evaluation of the first player / *determining a skill level of the game player* made by others / *network server* following a previous online / *network* game **(see col.8, lines 45-51).**

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kume

(US 6,203,433) in view of Sparks II (US 6,352,479).

Re claim 16: Kume teaches a computer readable medium (11) having computer

executable instructions for matching users over a network in an online gaming environment, the

method comprising steps of determining a play style parameter of a requesting user, and

connecting the requesting user to an online / *network* game based at least in part on the

determined play style parameter (see **Fig. 1; col.2, lines 15-26; col.4, lines 41- 48)**.

However, Kume fails to teach connecting the requesting user to the online game based at

least in part on a collaborative filtering method.

Sparks II teaches connecting the requesting user to the online game based at least in part

on a collaborative filtering method **(see col.6, lines 23-33)**.

Therefore it would have been obvious to one of ordinary skill in the art at the time the

invention was made to include a method of connecting a requesting user to an online game based

at least in part on a collaborative filtering method, since collaborative filtering methods help to

reduce the information overload that the person may encounter in a matchmaking environment

system by employing the evaluation of individual players of the game thereby providing

enjoyment and game satisfaction to the requesting user by providing a game based on the

evaluation of that user.

Re claim 17: Kume discloses the computer readable medium (11), the method further

comprising steps of receiving a request to host the online / *network* game, receiving at least one

parameter requirement for the online game, the at least one parameter requirement includes a

play style parameter requirement, and determining whether the play style parameter of the

requesting user matches the at least one parameter requirement for the online / *network* game

(see Fig. 1; col.4, lines 46-67).

6.   Claims 7 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks II

(US 6,352,479) in view of Shaw et al (US 2002/0083179). The teachings of Sparks have been

discussed above.

Re claims 7 and 23: Sparks II teaches the system and method for matching users over a

network in an online gaming environment.

However, Sparks II fails to teach the system and method of matching wherein the play

style parameter comprises one of a competitive parameter, a profanity parameter, a trash talking

parameter, an aggressiveness parameter, playing likeability, and enacting the role.

Shaw et al teaches this matching making system and method, wherein the play style

parameter comprises one of a competitive parameter, a profanity parameter, a trash talking

parameter, and an aggressiveness parameter / *aggressiveness behavior* **(see Fig.1; page 2,**

par.[0015]).

Therefore in view of Shaw et al, it would have been obvious to one of ordinary skill in

the art at the time the invention was made to replace the matching method of Sparks with Shaw

et al's matching method so that users of the online gaming environment can play games with

other players of the same behavior or parameter in real-time according to the collected behavior

and parameter to make applications behave in a customized manner to enhance the user's

experience.

Response to Amendment

7.   It has been noted that claims 1,16,18, and 27 have been amended. Claim 15 has been

cancelled without prejudice or disclaimer. New claim 38 has been added.

Response to Arguments

8.   Applicant's arguments filed **01/25/2007** have been fully considered but they are not

persuasive.

The Applicants correction in regards to the 35 USC 112 rejection is accepted therefore,

that rejection has been withdrawn.

In response to applicant's argument regarding claim 26 that the cited portions of *Sparks*

(Col. 4, lines 18-25) fails to teach or suggest anything with respect to a collaborative filtering

method, a recitation of the intended use of the claimed invention must result in a structural

difference between the claimed invention and the prior art in order to patentably distinguish the

claimed invention from the prior art. According to Sparks, the WWW server validates and

initiates registration of the game player after accessing the database, which when interpreted

broadly, means that the WWW server validates the game player based on the collaborative

filtering data contained in the database. If the prior art structure is capable of performing the

intended use, then it meets the claim.

In addition, in response to applicants argument regarding claim 26, that *Sparks'* teaching

describing a matching method based on a user's skill level compared with the skill level of others

etc, is in contrast with the collaborative filtering as described in Applicants original written

description (p.19, para. [57]), the Examiner would also refer to Applicants original written description (p.19, para. [57], lines 14-15) that "Collaborative filtering methods employ and/or produce rating, e.g. and evaluation of an individual, a game, and/or an experience", which is in accordance with the teaching of Sparks. The user's skill level compared with the skill level of others as taught by Sparks is broadly interpreted as the evaluation of the individual by others. Also claim 26 claims the limitation of "collaborative filtering method" and not "collaborative filtering". If the prior art structure is capable of performing the intended use, then it meets the claim.

In response to the applicant's further argument regarding claim 1, the Examiner notes that the limitation "play style parameter" in the claim was interpreted as any factor or information that defines the game player, the play style of the game player, and any factor that defines the performance of the game player. The Examiner also notes that the claims are given their broadest interpretation, which puts the teaching of Sparks "preferred weapons, miscellaneous information, etc" in accordance with the limitation "play style parameter" in the claim, as an identifier as argued by the Applicant and not merely a personal profile. It is also noted that the features (competitiveness, honesty/trustworthy, aggressiveness, etc) upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to the applicant's argument regarding claim 16, the Examiner notes that the limitation "play style parameter" in the claim was interpreted as any factor or information that defines the game player, the play style of the game player, and any factor that defines the

performance of the game player. The Examiner also notes that the claims are given their broadest interpretation, which puts the teaching of Kume "user information" in accordance with the limitation "play style parameter" in the claim. The Examiner notes that play style parameter of a game player is interpreted broadly as the user's information, which is disclosed by Kume. Also, it is noted that the features (competitiveness, honesty/trustworthy, aggressiveness, etc) upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The Applicant also argues in regards to claims 7 and 23 which depends on claims 1 and 18 respectively that Shaw does not teach or suggest "connecting the requesting user to an online game based at least in part on a collaborative filtering method." The Examiner agrees that Shaw does not teach this feature. However, Sparks teaches this limitation.

9.   For these reasons, rejections are maintained for independent claim 26 and claims 27-38 ultimately dependent on claim 26. Rejections are maintained for claims 1 and 18 for reasons similar to those of claim 26, and further for reasons also given above. Rejections are also maintained for claims 2-6,8-14,19-22, and 24-25 for ultimately dependent on claims 1 and 18. Rejections are maintained for claim 7,16,17, and 23 for reasons given above.

Conclusion

10.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
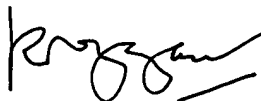
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

AOT

KIM NGUYEN
PRIMARY EXAMINER